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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,542	09/08/2005	Steven Andrew Essam	1085-069-PWH	7171
60597	7590	10/26/2007		
HANCOCK HUGHEY LLP P.O. BOX 6553 PORTLAND, OR 97228			EXAMINER CHARLES, MARCUS	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/527,542	Applicant(s) ESSAM, STEVEN ANDREW	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9-28-2005</u> | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

This is the first action relating serial application number 10/527,542 filed 09/08/2005.

Claims 1-16 are currently pending.

#### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show or identify every feature of the invention specified in the claims. Therefore, the drawing must show the ball in the generally cup shape housing in order to be able to identify all the claim limitations. Not in claim 1, the difference between the generally cup shape and the cup shape portion, needs to be identified in the drawing; the clearance between the conforming portion and the second portion of the ball (e.g. See claim 14). Note the ball must be shown in figure 3 in order to be able to identify the three portions of the ball. In claim 14, the initial position must be shown and needs to be identified; the radius of the arc in claims 11-12 must be identified; in claim 15, two upstanding wall portions, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details mention above and as described in the specification.

4. Figure s 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear as to the difference between the housing being generally cup-shape and cup-shape portion. If the housing is being generally cup-shape, then what is the cup-shape portion?

It is not clear as to what portion of the ball is considered the second and third shape (see claims 1-2).

In claim 1, lines 7-10, the claim recites "a conforming portion .... and contains the center of curvature of the cup-portion". Therefore, it is not clear if the conforming portion includes the same center of curvature of the cup-shape portion. In addition, it is not clear as to what clearance is "any clearance" refereeing to. Note, if the ball and the cup-shape portion has the same radius  $R$ . It is not clear as to how there can be a clearance when the radii of the ball and the cup-shape portion are the same.

Claim 7 is unclear and confusing because the claim recites a bearing comprising a housing. Claim 2 recites the ball and the housing combination comprises the bearing. Therefore, it appears that there exist a double inclusion between the bearing and the housing, and it is not clear if the bearing and bearing housing of claim 2 is the same as the immediate claim 7.

In claim 8, it is not clear as to what are the first and second portions of the ball. In addition, line 4 recites a ball and line 10, also recites a ball. Therefore, there appears to be a double inclusion.

In claim 9, the claim recites "a ball" on numerous occasions. Therefore, it is not clear if all the balls mentioned are the same (see also claim 14 and 15-16). There appears to be a double inclusion concerning the balls. In addition, there also appears to be a double inclusion between "a bearing housing" (also, see claims 10, 13).

In claims 16, there exist a double inclusion between "a ball having a radius R" and "a ball having substantial the radius R". It is not clear if the balls are the same or different. There is a double inclusion between "a bearing" in line 1 and "a bearing" in line 7.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 6-9, 13-16, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Yukita et al. (4,747,203). Yukita et al. discloses a housing (1) to received a ball bearing (3) so as to be deformed around the ball bearing; the ball bearing has a radius that coincide with the radius of the inner surface of the housing, wherein the ball is placed at a predetermined location in the inner surface of the housing to form a bearing; the inner surface of the housing having at least approximately circular symmetry around a central axis, and being shape such that: when the ball is placed in the initial location a clearance (see col. 2, lines 63-67) is presented therebetween, in a plane perpendicular to the central axis and passing through the center of the ball;

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wherein the housing is deformed around the ball to form the bearing. It is apparent that when the bearing housing is deformed around the ball (3) the clearance is less than the clearance prior to deformation of the housing.

Regarding claims 9 and 13-16, it is apparent that the method steps are inherently included during the manufacturing steps of Yukita et al. device.

***Allowable Subject Matter***


9. Claims 3-5, 10-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
October 10, 2007